UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,525	06/28/2001	Manoel Tenorio	020431.0843	8191

53184	7590	08/23/2005

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EXAMINER
CHEN, TE Y

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/895,525	TENORIO, MANOEL
	Examiner	Art Unit
	Susan Y. Chen	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Response to Amendment

This office action is in response to the amendment filed on June 10, 2005.

Terminal Disclaimer

The terminal disclaimer filed on June 10, 2005 disclaiming the terminal portion of

any patent granted on this application which would extend beyond the expiration date of

the co-pending application 09/895,654 has been reviewed and is accepted. The

terminal disclaimer has been recorded.

Claims 1-37 are pending for examination.

AFFIDAVIT OR DECLARATION UNDER 37 CFR 1.132: INSUFFICIENT

The Declaration under 37 C.F.R. § 1.132 filed on June 10, 2005 is insufficient to

overcome the rejection of claims 1-37 based upon U.S. Patent No. 6,708,161 as set

forth in the last Office action because: Applicant's statements in the paragraphs 4 and 5

of instant declaration are not sufficient or clear. Applicant should provide an unequivocal

declaration under 37 C.F.R. § 1.132 that he/she conceived or invented the subject

matter disclosed in the patent (or pub.) and relied on in the rejection. Furthermore, the

inventor/applicant should be specific in identifying those portions cited with respect to

the appropriate inventorship in the supplemental declaration.

Because the Declaration under 37 CFR 1.132 filed on June 10, 2005 fails to

obviate the rejections under 35 U.S.C. 102(e), the examiner maintains the same type of

rejection as following.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under
section 122(b), by another filed in the United States before the invention by the
applicant for patent or (2) a patent granted on an application for patent by
another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application
filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English
language.

Claims 1-37 rejected under 35 U.S.C. 102(e) as being anticipated by Tenorio et

al. (U.S. Patent No. 6,708,161).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claims 1, 12, 23, and 34-37, Tenorio et al. (hereinafter referred as Tenorio)

discloses a computer-implemented system with method and executable program

products for associating target data with a product classification schema [e.g., Fig(s). 1-

5 and associated texts] as claimed by applicant, comprising the following functions:

a) access a first product classification schema, the first schema comprising a

taxonomy that comprising a hierarchy of classes into which product may be categorized,

the first schema further comprising ontologies associated with one or more of the

classes, each ontology comprising one or more product attributes [e.g., the GCD 42 of

Fig. 2 and associated texts; col. 5, lines 6-38];

b) access target data to be associated with the first schema, the target data

organized according the a second product classification schema [e.g., col. 5, lines 62 –

col. 6, line 26];

c) determine one or more classes of the first schema with which at least a portion

of the target data should be associated based on an automatic comparison, without

translating the target data from the second schema to the first schema [e.g., the use of

pointer to associate the selected classes by a buyer from a product database (32, Fig.

1); col. 6, lines 58 – col. 7, lines 3];

d) associate the at least a portion of the target data with one or more classes of

the first schema in response to determine, based on the automatic comparison, the one

or more classes of the first schema with which the at least a portion of the target data

should be associated. [e.g., the GCD (42, Fig. 2) unit uses the GUID, CID, PID, RID and

FID to determine the association of product classes provided by seller's schema (32,

Fig. 32) via Boolean operators or any other appropriate technique (col. 11, lines 27-28)

that matches the criteria specified by buyers; col. 8, lines 5 – col. 11, lines 35].

As to claims 2-6, 13-17 and 24-28, except the limitations recited in claims 1, 12,

and 23, Tenorio further discloses that the determining one or more classes of the first

schema with which the at least a portion of the target data should be associated

comprises identifying a portion of the target data via matching the name, the value, a

range of value, the symbol and formatting of a product attribute in the ontologies of

these one or more classes of the first schema [e.g., the GCD (42, Fig. 2) unit will identify

(e.g., via pointer, col. 6, line 15-18) and integrates the search specified by class name,

value, symbol (e.g., col. 10, lines 64 – col. 11, lines 16), range of value (col. Col. 10, line

12-17) and formatting (col. 7, lines 10-30) from the first schema to target data through

translation mechanisms (col. 6, line26)].

As to claims 7-8, 18-19 and 29-30, except the limitations recited in claims 1, 12,

and 23, Tenorio further discloses that the systems determines the association by using

vector space analysis and statistical correlation techniques [e.g., the optimization of

database performance processing based on the analysis of read/write number in the

information space (col. 15, lines 55-59); and calculating weight to indexing the

read/write processing (e.g., Fig. 6 and associated texts)].

As to claims 9-11, 20-22 and 31-33, except the limitations recited in claims 1, 12,

and 23, Tenorio further discloses that the systems determines the association between

the system classes and it's attributes by using pointers [e.g., col. 6, lines 15-21].

Response to Arguments

Applicant's arguments filed on June 10, 2005 have been fully considered but they

are not persuasive.

In reply to Applicant arguments under Double Patenting section, the Examiner

agrees that the terminal disclaimer file on June 10, 2005 obviates the double patenting

rejections against the co-pending application 09/895,654.

In reply to Applicant arguments associated with the declaration under 37 C.F.R. §

1.132, the Examiner points out because the declaration filed on 6/10/2005 fails to

obviate the rejections under 35 U.S.C. 102(e), thus, the rejection sustained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susan Y Chen whose telephone number is 571-272-

4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Susan Y Chen
Examiner
Art Unit 2161

August 16, 2005

UYEN LE
PRIMARY EXAMINER